

EXHIBIT NO. 1


City of Alexandria, Virginia

MEMORANDUM

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DATE: FEBRUARY 8, 2006

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: CONSIDERATION OF AN AMENDMENT TO THE CITY'S RECYCLING ORDINANCE REQUIRING MULTI-FAMILY AND COMMERCIAL PROPERTY RECYCLING

ISSUE: Consideration of an amendment to the City's recycling ordinance which would require multi-family and commercial property recycling.

RECOMMENDATION: That City Council pass the proposed ordinance on first reading and schedule it for public hearing, second reading and final passage on Saturday, February 25, 2006.

DISCUSSION: One of the goals in City Council's Strategic Plan for 2004-2009 states that Alexandria is a city that "respects, protects and enhances the natural environment." Consistent with that vision, the City Council adopted a Solid Waste Plan in mid-2004, which stated the City's desire to achieve a 35% recycling rate and encourage "private sector recycling." This solid waste plan also contemplated enacting a multi-family and commercial recycling program as the primary means of achieving this 35% recycling rate. As a result, an ordinance is proposed that will require private sector recycling programs.

In addition, the proposed ordinance will help the City achieve the State mandate that requires all jurisdictions to recycle at least 25% of their waste stream. While Alexandria has achieved a rate as high as 31.4% in the past, it was largely due to the fact that the City was able to count the sludge produced by the Alexandria Sanitation Authority (ASA) in the recycling rate calculation. However, the State changed the recycling rate methodology so that sludge can no longer be counted unless it is composted, rather than land-applied as in the past. The City's solid waste staff is working with the ASA to determine if sludge produced in the future can be composted, however limited markets are available, and additional work will be required to identify a market to compost this material. As a result, the City's recycling rate has dropped below the State required 25%.

Alexandria's reported recycling rate for 2004 was only 20.5%. Statewide the reported recycling rate for 2004 was 29.8%. In Northern Virginia, it was 32.8% in 2004. This percentage reflects all the materials recycled through the City's single-family curbside program, which serves

approximately 20,000 homes. Additionally, some multi-family and commercial recycling figures submitted by haulers are also included in the calculation. However, without a feedback loop between haulers and their commercial customers about how much recycling is taking place, it appears that the recycling numbers that the City is currently receiving from permitted haulers are largely inaccurate and substantially under-reported.

It is estimated that the more than 47,000 multi-family units and 3,000 businesses in the City produce over 75% of the City's trash, which makes it difficult, if not impossible, to achieve a 25% goal unless these entities also participate in recycling and assist the City in capturing accurate recycling data. Alexandria is the only jurisdiction in the Washington Metropolitan Region that has not yet required private sector recycling from the commercial and multi-family sectors. Arlington County, for example, has had private sector commercial and multi-family recycling program requirements in place for more than ten years.

For the City to attain the State minimum 25% recycling requirement, approximately 7,600 additional tons of material will need to be recovered each year. Moreover, to meet the Council's goal to recover 35% percent of the waste stream, the City will need to recover more than 24,200 additional tons of recyclable materials each year. Some of this additional recovery will come from better reporting, and some from additional recycling efforts.

Staff has been working with a group of stakeholders who were asked to serve on a Recycling Advisory Committee (RAC). This group includes individuals representing the City's Environmental Policy Commission, Chamber of Commerce, the five major local business associations, condominium and apartment building managers, private citizens, and waste haulers. This group met five times between October and December 2005 to evaluate the City's proposed draft ordinance and provide support for their efforts to promote recycling. In general, the feedback from the business and multi-family property owners and managers has been very positive in regard to recycling. This seems due to the fact that many businesses, apartments and homeowners associations already recycle in Alexandria, or operate in other jurisdictions whose governments have instituted commercial and multi-family recycling programs. This feedback also underscored the problem of under-reporting, and the likelihood that the City's actual current recycling rate is much higher than 20%.

One of the meetings included the City's first ***Recycling Works! Expo***, which attracted more than 40 individuals and recycling businesses to hear the Mayor and City staff discuss the draft ordinance and promote private sector recycling. City staff attended meetings conducted by each of the City's business associations such as KSMET, the Eisenhower Partnership, the Alexandria Hotel Association, and the Chamber of Commerce. Finally, staff held two meetings with local condominium and homeowners associations and other interested parties. A list of RAC members and other interested parties involved in various meetings about the ordinance is included as the attachment to this memorandum.

The program itself will require all multi-family and commercial properties to provide recycling services. Multi-family properties (apartments, condominiums and homeowners associations for whom the City does not provide refuse collection services) will be required to recycle the same materials collected through the City's curbside program – mixed paper and co-mingled containers (i.e., aluminum, glass, plastic, and steel). Commercial properties will be required to recycle the two items they each generate in the largest quantities, which generally will also include mixed paper and co-mingled containers.

All properties will be requested to submit a recycling implementation plan once every two years no later than February 1, 2007, to promote recycling services to their tenants twice a year, and report on program outcomes by submitting a recycling data report obtained from their hauler every two years. All solid waste/recycling haulers must be permitted to operate within the City and advise their customers that recycling is required. Haulers will also be required to submit recycling data reports on an annual basis.

Since failure to report or under-reporting has been a major problem for the City, staff proposes that penalties apply for failure to submit recycling implementation plans or recycling data reports. Initially, any property that fails to comply with the planning and reporting requirements, and ignores reminder and warning letters, will be subject as a last resort to fines (see page 10 of the ordinance for details) starting on February 1, 2007. At this time no penalties for failure to recycle are proposed. This is consistent with how single-family home recycling has been handled in the City. Staff proposes to initiate the commercial and multi-family recycling as a cooperative partnership, and no penalties are recommended for failure to recycle. Penalties for failure to file a recycling plan and failure to report recycling data are proposed. After one to two years of experience with this new program, the issue of penalties for failure to recycle will be revisited.

The City will provide technical assistance to any homeowners association, property manager or business seeking assistance to develop or promote their recycling program. Staff can assist managers by conducting a waste audit, determine container sizes, collection frequency, assistance with container placement and signage, as well as provide direction on how to improve contract negotiations with solid waste/recycling haulers.

Additionally, the City will initiate an Alexandria Business Recycling Partnership program, whereby properties will be voluntarily inspected for compliance with their recycling implementation plans and if found in compliance they will be enrolled in the Partnership. Members of the Partnership will be asked to assist with mentoring other properties interested in improving their programs, assist with business recycling workshops and outreach efforts, and their success stories will be featured on the City's recycling website and periodically their names will be publicized.

Passage of this ordinance will help Council fulfill an element of its Strategic Plan in establishing an environmental program that will protect human health and the City's environment. Recycling saves natural resources, creates jobs, and allows residents and businesses to act as stewards of their local environment.

FISCAL IMPACT: The commercial and multi-family recycling program fiscal impact will occur starting with the FY 2007 proposed budget. The FY 2007 proposed budget has been increased by \$25,000 in order to provide recycling promotion funds in order that more recycling can be encouraged in the single family, multi-family and commercial sectors. Given budget constraints for FY 2007 and competing priorities, no new positions have been added. As a result, existing positions in the T&ES Solid Waste Division will be responsible for implementing the proposed multi-family and commercial recycling program. The need for additional staff will be revisited during the FY 2008 budget process.

ATTACHMENT: Commercial & Multi-family Recycling Advisory Committee Roster

STAFF:

Richard Baier, P.E., Director, T&ES
Doug McCobb, Deputy Director/Operations, T&ES
Alton Weaver, Division Chief/Solid Waste, T&ES
Christine McCoy, Solid Waste Planner, T&ES
Anna Collinson, Recycling Specialist, T&ES
Bruce Johnson, Director, OMB
Jean Wilson, Division Chief/Administration, T&ES

ATTACHMENT

Commercial & Multifamily Recycling Advisory Committee

- 1. Chamber of Commerce**
Ken Moore
801 N. Fairfax Street, Suite 402
Alexandria, VA 22314 USA
Phone: 703/54-1000
Fax: 703/739-3805
Email: kmoore@alexchamber.com
- 2. King Street Metro Enterprise Team (KSMET)**
Peggy Kleysteuber
Cash Grocer Natural Foods
1315 King Street
Phone: 703/549-2758
Email: pkleysteuber@earthlink.net
- 3. Alexandria Hotel Association**
Mike Radike or Eduardo Arias
Radisson Hotel Old Town
Phone: 703/299-4950
Email: Mike.Radike@ihrc.com
- 4. Potomac West Business Association**
Kevin Reilly
Alexandria Hyundai
1707 Mt. Vernon Avenue
Alexandria, VA 22301
Phone: 703/535-6840
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Email: kpreilly@aol.com
- 5. Eisenhower Partnership**
Janet Gregor, Executive Director
Phone: 703/684-5124
Home Office: 703/838-9074
Fax: 703/684-7887
2121 Eisenhower Ave
Alexandria, VA 22314
Email: info@alexandriaWEBA.com
- 6. West End Business Association**
Wendy Albert, President
4231 Duke Street
Alexandria, VA 22304
Phone: 703/461-6465
Fax: 703/370-7902
Email: Temporestaurant@aol.com
- 7. Mark Center**
Ms. Patty Brempell
Vice President Residential Properties
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pbremPELL@markwinkler.com

Mark Center
Ms. Kathy Knizner
Vice President Commercial Properties
Phone: 703/578-7728
kknizner@markwinkler.com
- 8. Waste Management**
Eugene Suslowicz
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Email: esuslowi@wm.com
- 9. Capitol Fiber, Inc.**
Jim Langemeier
6610 Electronic Drive
Springfield, VA 22151
Phone: 703/658-0200
Fax: 703/658-0212
Email: jlangemeier@earthlink.net
- 10. Apartment and Office Building Association of Metropolitan Washington**
Mark Ingrao
Phone: 202/296-3390
Email: mingrao@aoba-metro.org

11. Plaza Condominiums

Michele Faz, Property Manager
801 N. Howard St.
Phone: 703/823-4881
Email: plazacondoalex@erols.com

12. Fairlington Villages, a Condominium Association

J. William Reynolds, General Manager
3001 S. Abingdon Street
Arlington, VA 22206
Phone: 703/379-1440
Email: manager@farlingtonvillages.com

Fairlington Villages, a Condominium Association

Guy Land, President
Phone: 202/884-7674

13. Cameron Station Homeowners Association

Victoria Hebert

Phone: 202/551-7414
Email: hebertv@sec.gov

14. Private Citizen

Luisa Giraldo
Phone: 703/606-7598
Email: lgiraldoa@yahoo.com

15. Member of the City's Environmental Policy Commission

Jill Bennis
Email: jbennis25@hotmail.com

16. VHI, Inc.

Stiles Peabody
PO Box 1824
Manassas, VA 20108
Phone: 703/365-7616
Fax: 703/367-0304
Email: speabody@vhidisposal.com

Other Interested Parties in Attendance of at least one RAC meeting:

Conrad Mehan, Vice President, Potomac Disposal Services
Patricia Sanborn, Potomac Disposal Services
Tom Reardon and Michael Renga, Covanta Waste-to-Energy Facility
Eduardo Arias, Alexandria Hotel Association

Non-Solid Waste Division, Alexandria City Staff in Attendance of at least one RAC meeting:

Valerie Peterson, City of Alexandria Planning & Zoning
Tom Fairchild, City of Alexandria Business Facilitator
Richard Josephson, City of Alexandria Planning and Zoning

Recycling Works Expo Attendees list (other than RAC members):

Mayor William Euille, City of Alexandria
Vice Mayor Del Pepper, City of Alexandria
Jeremy McPike, City of Alexandria
Cindy Galloway, Alexandria Sanitation Authority
Sandra Mederos, Whole Foods Market
Claudia Corvera, Whole Foods Market
Kondmosen Tesemu, Raddison Hotel
John-Michael Pjura, CDM Ecycling
Micheal Fannon, CDM Ecycling

Elizabeth Wilmot, Turtle Wings Computer Recycling
Chelo Cole, CARE Environmental
John Douffingen, CARE Environmental
Conni Kunzler, Consultant
Frances Reed, DC Central Kitchen
Kerem Saral, Turkuaz Trade, Inc.
Lessa Izaguirre, Spaulding and Slye Property Management
Bryan Vickers, Glass Packaging Institute
Maurice Smet, Lerner Corporation
Rob Moschello, Lerner Corporation
David Troust, Mie N Yu Restaurant
J. William Reynolds, Fairlington Villages
Sheila Barnett, Virginia Department of Environmental Quality
Walker Lunn, EviRelations, Inc.
Jeremy Gersh, EZ Auctioning
Ron Vance, Eastern Research Group Consulting
Glen White, Century Disposal
Deborah Hanlon, U.S. Environmental Protection Agency
Steve Kullen, Subtractions, LLC
Crystal Smith, Canterbury Square Codo
Linda Crumble, LAC Recycling
Chuck Miner, AAA Recycling (Republic Services Inc.)
Bill McSweeny, SHRED-IT
Rob Kindcaid, Esquire Environmental
Jim Been, Potomac Disposal Services
Buff Mundale, American Disposal Services
Shane Thompson, Rechargeable Battery Recycling Council
Paul Woyciechowski, WM Recycle America
Anita Grayson, SP Recycling Corp
Russell Klein, DC Department of Public Works, Office of Recycling
Bill Easely, DC Department of Public Works, Office of Recycling
Michael Curry, National Geographic Society
Donna Cutter, Donna's Day Care

Introduction and first reading:	2/14/06
Public hearing:	2/25/06
Second reading and enactment:	2/25/06

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to to add a new Article H (RECYCLING) to Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) to Chapter 1 (SOLID WASTE CONTROL) of The Code of the City of Alexandria, Virginia, 1981, as amended.

Summary

Ordinance sets forth collection and reporting requirements for recyclable materials within the City.

Sponsor

Staff

Richard Baier, Director, Transportation and Environmental Services
Douglas McCobb, Deputy Director of Operation, T&ES
Christopher P. Spera, Assistant City Attorney

Authority

§ 3.04(g), Alexandria City Charter

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

ORDINANCE NO. _____

AN ORDINANCE to add a new Article H (RECYCLING) to Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) to Chapter 1 (SOLID WASTE CONTROL) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS

Section 1. That Chapter 1 of Title 5 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is amended by adding thereto a new Article H to read as follows:

[The following is all new language]

Sec. 5-1-90 – Findings of fact and declarations of policy

The City Council of the City of Alexandria finds that in order to preserve natural resources, conserve energy, reduce the amount of disposable waste and the cost of waste disposal, and provide for a more efficient and effective means of disposing of waste materials, it is appropriate to exercise the police power in order to initiate a mandatory recycling program. Therefore, in order to reduce the volume of solid wastes and to encourage the effort to recover and reuse valuable resources, this mandatory recycling program is established.

Sec. 5-1-91 - Definitions

The following words and phrases, when used in this article, shall for the purposes of this article have the meanings ascribed to them in this section, except for those instances where otherwise expressly provided.

(1) *Business*. Any person, partnership, corporation, limited liability company, sole proprietorship, institution, or other entity, operating in the City of Alexandria. This definition excludes home-based businesses, as defined elsewhere herein, and landscaping and lawn maintenance companies.

(2) *Commingled Containers*. Any food and beverage containers, such as bottles, jars, and cans that are made from glass, plastic, steel (tin), or aluminum that is collected in a single container for recycling.

(3) *Hauler*. Any person, partnership, corporation, or other public or private entity that collects and/or transports recyclable materials within the City of Alexandria.

(4) *Home-based business*. Any business conducted out of a residential dwelling or a portion thereof conducted in accordance with the terms and conditions set forth in Zoning Ordinance 7-300, et seq.

(5) *Property management company or homeowners association* – a business or association

1 of homeowners within a community whose principal purpose is to ensure the provision of and
2 maintenance of community facilities and services for the common benefit of the residents,
3 including arranging for solid waste and recycling services.
4

5 (6) *Multiple-family dwelling.* A building, or portion thereof, designed for occupancy by
6 four (4) or more families living independently. Home-based businesses operating from an
7 individual unit within such dwellings are subject to the requirements of this article for units
8 within multiple-family dwellings.
9

10 (7) *Paper/mixed paper.* Any old newspapers, magazines, office paper, specialty papers,
11 paperboard, colored paper, or other approved grades of paper, including corrugated cardboard
12 and paper bags, that is collected in a single receptacle for recycling.
13

14 (8) *Principal recyclable materials (PRMs).* Brush/leaves/grass, clean wood/pallets,
15 commingled containers, food waste, paper/mixed paper, plastic film, tires, textiles, and used oil.
16

17 (9) *Single-family dwelling.* See Section 5-1-2(7).
18

19 (10) *Supplemental recyclable materials (SRMs).* Abandoned automobiles, ash, batteries,
20 construction and demolition waste, electronics, fluorescent light bulbs, kitchen grease & fat,
21 sludge (composted), tree stumps, used antifreeze, and used oil filters.
22

23 (11) *Responsible party.* For single-family dwellings that do not have collection arranged
24 through a homeowner's association or similar entity and who are eligible for participation in the
25 City's curbside collection program, the responsible party shall be the dwelling occupant. For
26 single-family residents who have collection services provided through their property
27 management company or homeowners association, the responsible party shall be the property
28 management company or homeowners association. For a multiple-family dwelling, the
29 responsible party shall be the owner, manager, or agent and, if different, the party responsible for
30 the management and disposal of solid waste generated at that property. For a business, the
31 responsible party shall be the business or property owner, manager or agent and, if different, the
32 party responsible for the management and disposal of solid waste generated at that business.
33

34 **Sec. 5-1-92 Effective Date.**

35
36 The effective date of this Article shall be July 1, 2006.
37
38

39 **Sec. 5-1-93 Requirements for materials to be collected**

40
41 (a) The responsible party of each single-family dwelling eligible for City curbside
42 collection, or any property management company or homeowners association that contracts
43 directly with a hauler for curbside collection, must establish a system to separate mixed paper
44 and commingled containers from refuse for recycling.
45

1 (b) The responsible party of each multiple-family dwelling must establish a collection
2 system to separate mixed paper and commingled containers from refuse for recycling.

3
4 (c) The responsible party of each business must establish a collection system to separate
5 the two (2) Principal Recyclable Materials (PRMs) that the business generates annually in the
6 greatest quantities. In multiple-tenant properties in which individual businesses do not manage
7 their own solid waste, the two (2) PRMs are determined on the basis of the property's combined
8 waste stream. Each new business that begins operations after July 1, 2006, is required to
9 establish a collection system within sixty- (60) days after receiving a City of Alexandria
10 Certificate of Occupancy. The responsible party is encouraged to recycle Supplemental
11 Recyclable Materials (SRMs) to the best of their ability and is required to report the amount of
12 SRMs recovered in their recycling data report. Notwithstanding the foregoing, businesses
13 generating less than one (1) cubic yard of recyclable materials per week (i.e., 4, 60-lbs bags) may
14 comply with the terms of this article by depositing recyclable materials at City drop-off centers.

15
16 (d) The responsible party for each federal, state or local government agency must
17 establish a collection system to separate the two (2) PRMs that are generated in the greatest
18 quantities. Each agency that has a new office or facility that begins operations after July 1, 2006,
19 is required to establish a collection system within sixty- (60) days after receiving a City of
20 Alexandria Certificate of Occupancy, or from the effective date of the lease agreement. The
21 responsible party is encouraged to recycle SRMs to the best of their ability and is required to
22 report the amount recovered in their recycling data report.

23 24 **Sec. 5-1-94 Notification Requirements**

25
26 (a) Haulers permitted to operate in the City of Alexandria will be responsible for notifying
27 their customers that recycling is mandatory for all businesses and multiple-family dwellings. As
28 part of any service agreements or contracts, haulers will be responsible for providing customers
29 with the appropriate containers, signage, and collection services to adequately address their
30 recycling needs, relative to industry safety and technical standards.

31
32 (b) The responsible party of any property management company or homeowners association,
33 business, federal, state, or local government agency, or multiple-family dwelling shall notify, in
34 writing, its tenants, employees and/or clients, as applicable, that recycling participation is
35 mandatory. Written notification (i.e., letter, newsletter, email notice, etc.) shall be provided
36 within fifteen (15) days to all new tenants and employees and no less frequently than bi-annually
37 thereafter to all existing tenants and employees. The written notification shall set forth the
38 requirements of this article and include at a minimum:

- 39
40 1. Source separation of recyclable materials from the waste stream is mandatory
41 for all tenants and employees;
42 2. What materials will be recycled;
43 3. How the recyclables are to be prepared;
44 4. Any set-out requirements;
45 5. Location of the recycling containers;

6. Prohibitions against contamination of source separated recyclable material;
7. The collection schedule for recyclable material
8. Name and telephone number of a representative of the business or multiple-family dwelling whom the tenant or employee should contact with any questions.

(c) The responsible party shall include the City's Commercial Recycling Specialist or such other City representative(s) as may be designated by the City on their notification distribution list.

(d) The responsible party of any property management company or homeowners association, business, federal, state, or local government agency, or multiple-family dwelling shall ensure that all recycling signs and instructions are displayed prominently in public areas and directional signs are used to direct tenants to the recycling collection area.

Sec. 5-1-95 Reporting requirements

(a) The responsible parties for a single-family dwelling property management company or homeowners association, business, federal, state or local government agency or multiple-family dwelling are required to submit an implementation plan to the Department of Transportation & Environmental Services by January 1, 2007 and every second year following. Notification for submissions of these forms will be sent by the Department of Transportation & Environmental Services to each multiple-family dwelling and business address by November 1, prior to each year reports are due.

(b) The responsible party for each new property management company or homeowners association or multiple-family dwelling that is occupied after July 1, 2006 is required to submit this plan within sixty- (60) days from the date of first occupancy by a tenant. The responsible party and business owner, if different, of each new business that begins operations after July 1, 2006, are required to submit this plan within sixty- (60) days after receipt of a City of Alexandria Certificate of Occupancy. The implementation plan must be approved by the Director of the Department of Transportation & Environmental Services or his designee to comply with the terms of this article.

(c) Implementation plans may be rejected if 2 PRMs have not been selected, or if one or both of the PRMs selected are not generated in larger quantities than other recyclable materials. Plans may also be rejected if the responsible party does not provide the following information: contact name, phone number, email address, mailing address, square footage of property, number of employees, name of solid waste and/or recycling services providers, number of containers, number of compactors, frequency of collection, and other relevant information requested. If an implementation plan is rejected by the Department of Transportation & Environmental Services, the submitting responsible party has thirty- (30) days from notification of the rejection to submit a revised plan for approval.

1 (d) The responsible party for each property management company or homeowners
2 association, federal, state or local government agency, multiple-family dwelling and the
3 responsible party and business owner, if different, of each property are required to submit a
4 recycling data report to the Department of Transportation & Environmental Services by March
5 15, 2007 and every second year following for recycling activities during the proceeding one-year
6 period. Notification for submission of these forms will be sent by the Department of
7 Transportation & Environmental Services to each multiple-family dwelling and business address
8 by January 31, 2007.

9
10 (e) All permitted haulers in the City of Alexandria are required to submit an annual hauler
11 recycling data report to the Department of Transportation & Environmental Services i)
12 documenting the tonnage and types of materials collected from all single-family property
13 management companies or homeowners associations, federal, state or local government agencies,
14 businesses, and multiple-family dwellings; and ii) itemizing all solid waste and recycling
15 containers of a volume greater than 3 cubic yards, including, but not limited to, dumpsters, roll-
16 offs or other containers, owned by the hauler and deployed with the City of Alexandria. This
17 report must be submitted by March 15, 2007 and each year following for recycling activities
18 during the preceding calendar year. Notification for submission of this report will be sent by the
19 Department of Transportation & Environmental Services by March 15, 2007 and each year
20 following. All haulers are required to provide a list of its City of Alexandria customers with this
21 report.

22 23 **Sec. 5-1-96 Adaptations for materials**

24
25 (a) Limited adaptations, as set forth below, may be approved by the Director of Department of
26 Transportation & Environmental Services or his designee. Applications for adaptation from the
27 requirements shall be submitted to the Department of Transportation & Environmental Services
28 on City forms. An adaptation may be allowed where compliance with the ordinance would result
29 in unnecessary hardship to the applicant and the need for adaptation would not be shared generally
30 by other applicants, provided such an adaptation is not contrary to the intended spirit and purpose
31 of this article and would result in substantial justice being done. All adaptations are to be
32 construed as temporary, for a period not to exceed one (1) year, and shall be considered
33 withdrawn on the first to occur of (a) a change in the condition(s) which prompted the adaptation,
34 or (b) the expiration of the time period granted in the adaptation. Should an adaptation be
35 withdrawn because the time period has expired, and applicant may apply for renewal of the
36 adaptation. Application forms will be available online at: www.alexandriava.gov. Applications
37 are evaluated against the following criteria:

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1. Incompatibility of compliance with the requirements of this article and compliance with other City of Alexandria ordinances or other laws;
 2. Unavailability of collectors or acceptors (defined as licensed haulers of recyclable materials or intermediate or final processors of recyclable materials) for one (1) or more of the required recyclable materials.
 3. Unavailability of on-site space for the preparation and temporary storage of one (1) or more of the required recyclable materials;

4. Extreme disparity between the applicant's cost of recycling one (1) or more of the required recyclable material(s); or
5. Negligible generation rates of one (1) or more of the required recyclable materials.

The Director of the Department of Transportation & Environmental Services or his designee will consider these criteria in evaluating the application and will consider the compliance rate, implementation plans, and recycling programs of similar businesses in the City of Alexandria. The Director of Department of Transportation & Environmental Services or his designee will prepare a report on the applicant's property.

(b) After reviewing the information described above, the Director of the Department of Transportation & Environmental Services or his designee will take one (1) of the following actions:

1. Grant an adaptation that requires the applicant to recycle alternative materials identified by the Department of Transportation & Environmental Services;
2. Grant an adaptation that reduces the number of types of materials required to be recycled; or
3. Deny the request for adaptation.

Sec. 5-1-97 Penalties

(a) The failure by a hauler to timely notify its customers pursuant to Sec. 5-1-94(a) or submit conforming recycling data reports pursuant to Sec. 5-1-95(e) shall be a class three civil violation¹, as set forth in Sec. 1-1-11(b)(3) herein for every month the reports are not properly submitted. Any hauler who is assessed with a total of three separate civil violations pursuant to this section may be subject to revocation of its City of Alexandria hauler's permit. Enforcement for recycling data reports will begin February 1, 2007.

(b) The failure by a responsible party for each single-family dwelling property management company or homeowners association, business, or multiple-family dwelling that generates *more than ten tons* of solid waste to timely provide notification or submit conforming implementation plans and data reports pursuant to Sections 5-1-94 and -95 shall be a class three civil violation, as set forth in Sec. 1-1-11(b)(3) herein for every month the reports are not properly submitted. The failure by a responsible party for each single-family dwelling property management company or homeowners association, business, or multiple-family dwelling that generates *less than ten tons* of solid waste to timely provide notification or submit conforming implementation plans and data

¹ For a class three civil violation, the penalty for each individual violation shall be \$500 for the first violation, \$1,000 for the second violation of the same regulation or requirement arising from the same set of operative facts, and \$1,500 for each additional violation of the same regulation or requirement arising from the same set of operative facts

1 reports pursuant to Sections 5-1-94 and -95 shall be a class five² civil violation, as set forth in Sec.
2 1-1-11(b)(5) herein for every month the reports are not properly submitted. The failure to comply
3 with the notification and reporting requirements set forth in Sections 5-1-94 and -95 by an entity
4 for *which no data on the amount of solid waste generated is available* shall be a class four³ civil
5 violation as set forth in Sec. 1-1-11(b)(4) herein. Enforcement of implementation plan submission
6 requirements will begin February 1, 2007.

7
8 (c) The City's Department of Transportation & Environmental Services shall have
9 responsibility for responding to complaints, assessing compliance, levying penalties, violations
10 and fines and otherwise enforcing the terms and provisions of this Article. All fines assessed
11 pursuant to this Article shall be will be levied as a civil penalty, enforceable through the City
12 Treasurer's office.

13 14 **Sec. 5-1-98 Right to appeal notices, fines and denials of requests for adaptation**

15
16 Upon service of a notice of violation, fine or denial of a request for an adaptation as provided
17 herein, the responsible party or business owner shall have the right to appeal such notice, fine or
18 denial and shall be granted a hearing before the Director of Department of Transportation &
19 Environmental Services or his designee, provided that a written appeal and request for hearing is
20 received by the Director of Department of Transportation & Environmental Services within five
21 (5) working days after service of the notice. Upon receipt of such an appeal or request, the
22 director of Department of Transportation & Environmental Services or his designee shall advise
23 the appellant of the time and place of the hearing, shall convene the hearing, shall consider the
24 evidence, and shall render a decision in writing and provide a copy to the appellant within fifteen
25 (15) business days following the hearing. The Director of Transportation & Environmental
26 Services shall ensure that the person hearing any appeal hereunder did not have any direct
27 involvement in the notice, fine or denial from which the appeal is taken.

28 29 **Sec. 5-1-99 Adequate space**

30
31 (a) All new and significantly remodeled occupied structures shall provide for the collection
32 and storage of refuse. All new and significantly remodeled occupied structures over 2,000 square
33 feet shall provide adequate space for the collection and storage of recyclable materials. For the
34 purposes of this section "significantly remodeled" shall mean structures where fifty percent or

² For a class five civil violation , the penalty for each individual violation shall be \$25 for the first violation, \$50 for the second violation of the same regulation or requirement arising from the same set of operative facts, and \$100 for each additional violation of the same regulation or requirement arising from the same set of operative facts

³ For a class four civil violation , the penalty for each individual violation shall be \$100 for the first violation, \$250 for the second violation of the same regulation or requirement arising from the same set of operative facts, and \$500 for each additional violation of the same regulation or requirement arising from the same set of operative facts

1 more of the exterior of the structure is reconstructed, remodeled or modified (excluding painting
2 or changing exterior cladding materials).

3
4 (b) The following buildings shall be exempt from Sec. 5-1-99(a) above:

- 5
6 (1) Single-family dwellings; and
7 (2) Multiple-family dwellings where there are no central or communal
8 refuse/recycling collection or storage facilities, and where refuse and recyclable
9 materials are stored and collected on an individual unit basis.

10
11 (c) The amount of space provided shall be adequate for the collection and storage of the
12 amount of recyclable materials generated by the building, and shall be designed to
13 accommodate containers consistent with current methods of local collection, and shall
14 accommodate for example containers for the collection of mixed paper, commingled
15 containers, or other recyclables.

16
17 (d) Storage and collection containers shall be clearly labeled or identified to indicate the
18 type of materials accepted. Recyclable materials storage areas shall be located
19 adjacent to refuse collection and storage areas in order to provide convenient
20 recyclable materials storage areas.

21
22 Section 2. That this ordinance shall become effective July 1, 2006.

23
24 WILLIAM D. EUILLE
25 Mayor

26
27 Introduction: 2/14/06
28 First Reading: 2/14/06
29 Publication:
30 Public Hearing:
31 Second Reading:
32 Final Passage:

33
34
35 C:\Documents and Settings\jhenders\Local Settings\Temp\notesC9812B\recycling ordinance V2.wpd
36

CITY ATTORNEY TECHNICAL AMENDMENTS
FOR THE RECYCLING ORDINANCE

22
2-25-06

No.1: Page 11[3], line 10, at the beginning of the line:

Strike: Certificate of Occupancy
Insert: business license

No. 2: Page 11[3], line 20, after Alexandria:

Strike: Certificate of Occupancy
Insert: business license

No.3: Page 12[4], line 31, at the beginning of the line:

Strike: Certificate of Occupancy
Insert: business license



22
2-25-06

February 22, 2006

Mayor William D. Euille and
Members of the City Council
City Hall
301 King Street
Alexandria, VA 22314

Dear Mayor Euille and Council Members:

On behalf of the Eisenhower Partnership, I am writing to indicate our support for the proposed recycling ordinance under consideration by the City Council.

The Eisenhower Partnership, the Chamber of Commerce, and other local business associations were part of the Recycling Advisory Committee (RAC) to provide guidance to city staff in developing the ordinance that will require recycling at all local businesses and multifamily properties. The ordinance is being proposed as a means to achieve the state's mandatory 25 percent recycling rate and the City Council's goal to reach 35 percent recovery. The ordinance also reflects similar laws found in neighboring jurisdictions. Indeed, Alexandria is the only jurisdiction in the DC Metro region that has yet to implement such an ordinance.

City staff was very receptive to questions and concerns raised by members of the RAC. They demonstrated a strong commitment to accommodate concerns in order to tailor the ordinance to fulfill the goal of recycling within a workable framework for those entities required to recycle. This joint effort is an excellent example of the city reaching out to the business community to collaborate on a new program that will have an impact on all city businesses and multifamily properties.

The city has also made a strong commitment to offer outreach education and hands-on technical assistance to businesses and multifamily properties to properly implement the ordinance when it becomes effective later this year. The Eisenhower Partnership supports the City's recycling initiative and urges the Council to adopt the proposed ordinance. We look forward to working with you to ensure a smooth and trouble-free implementation.

Sincerely yours,

A handwritten signature in black ink that reads "Janet R. Gregor". The signature is written in a cursive, flowing style.

Janet R. Gregor
Executive Director

**ALEXANDRIA
CHAMBER
OF COMMERCE**

801 N. FAIRFAX ST.
SUITE 402
ALEXANDRIA
VA 22314

PH 703.549.1000
FX 703.739.3805

www.alexchamber.com

22

2-25-06



Accredited by the
Chamber of Commerce
of the United States of America

February 21, 2006

Honorable Bill Euille
Mayor
City of Alexandria
301 King Street
Alexandria, VA 22314

Dear Mayor ^{Bill}Euille,

The Alexandria Chamber of Commerce supports the proposed recycling ordinance requiring multifamily properties and businesses to recycle in the City of Alexandria. We believe it is important for all entities within the city to make every attempt to achieve the state-recycling mandate to recover 25% of its waste stream.

A number of business organizations were involved in the stakeholder process to achieve an ordinance that is flexible, fair, and allows ample time for the private sector to comply. We trust that the city's solid waste division and its professional staff will help and assist those effected, implement recycling programs that are practical and economically viable.

We hope these efforts will help the City of Alexandria achieve its goals.

Sincerely,



Ken Moore
President & CEO



CC: Members of City Council
Jim Hartman
Christine McCoy



ORDINANCE NO. 4438

AN ORDINANCE to add a new Article H (RECYCLING) to Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) to Chapter 1 (SOLID WASTE CONTROL) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS

Section 1. That Chapter 1 of Title 5 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is amended by adding thereto a new Article H to read as follows:

Sec. 5-1-90 – Findings of fact and declarations of policy

The City Council of the City of Alexandria finds that in order to preserve natural resources, conserve energy, reduce the amount of disposable waste and the cost of waste disposal, and provide for a more efficient and effective means of disposing of waste materials, it is appropriate to exercise the police power in order to initiate a mandatory recycling program. Therefore, in order to reduce the volume of solid wastes and to encourage the effort to recover and reuse valuable resources, this mandatory recycling program is established.

Sec. 5-1-91 - Definitions

The following words and phrases, when used in this article, shall for the purposes of this article have the meanings ascribed to them in this section, except for those instances where otherwise expressly provided.

(1) *Business*. Any person, partnership, corporation, limited liability company, sole proprietorship, institution, or other entity, operating in the City of Alexandria. This definition excludes home-based businesses, as defined elsewhere herein, and landscaping and lawn maintenance companies.

(2) *Commingled Containers*. Any food and beverage containers, such as bottles, jars, and cans that are made from glass, plastic, steel (tin), or aluminum that is collected in a single container for recycling.

(3) *Hauler*. Any person, partnership, corporation, or other public or private entity that collects and/or transports recyclable materials within the City of Alexandria.

(4) *Home-based business*. Any business conducted out of a residential dwelling or a portion thereof conducted in accordance with the terms and conditions set forth in Zoning Ordinance 7-300, et seq.

(5) *Property management company or homeowners association* – a business or association of homeowners within a community whose principal purpose is to ensure the provision of and maintenance of community facilities and services for the common benefit of the residents, including arranging for solid waste and recycling services.

(6) *Multiple-family dwelling.* A building, or portion thereof, designed for occupancy by four (4) or more families living independently. Home-based businesses operating from an individual unit within such dwellings are subject to the requirements of this article for units within multiple-family dwellings.

(7) *Paper/mixed paper.* Any old newspapers, magazines, office paper, specialty papers, paperboard, colored paper, or other approved grades of paper, including corrugated cardboard and paper bags, that is collected in a single receptacle for recycling.

(8) *Principal recyclable materials (PRMs).* Brush/leaves/grass, clean wood/pallets, commingled containers, food waste, paper/mixed paper, plastic film, tires, textiles, and used oil.

(9) *Single-family dwelling.* See Section 5-1-2(7).

(10) *Supplemental recyclable materials (SRMs).* Abandoned automobiles, ash, batteries, construction and demolition waste, electronics, fluorescent light bulbs, kitchen grease & fat, sludge (composted), tree stumps, used antifreeze, and used oil filters.

(11) *Responsible party.* For single-family dwellings that do not have collection arranged through a homeowner's association or similar entity and who are eligible for participation in the City's curbside collection program, the responsible party shall be the dwelling occupant. For single-family residents who have collection services provided through their property management company or homeowners association, the responsible party shall be the property management company or homeowners association. For a multiple-family dwelling, the responsible party shall be the owner, manager, or agent and, if different, the party responsible for the management and disposal of solid waste generated at that property. For a business, the responsible party shall be the business or property owner, manager or agent and, if different, the party responsible for the management and disposal of solid waste generated at that business.

Sec. 5-1-92 Effective Date.

The effective date of this Article shall be July 1, 2006.

Sec. 5-1-93 Requirements for materials to be collected

(a) The responsible party of each single-family dwelling eligible for City curbside collection, or any property management company or homeowners association that contracts directly with a hauler for curbside collection, must establish a system to separate mixed paper and commingled containers from refuse for recycling.

(b) The responsible party of each multiple-family dwelling must establish a collection system to separate mixed paper and commingled containers from refuse for recycling.

(c) The responsible party of each business must establish a collection system to separate the two (2) Principal Recyclable Materials (PRMs) that the business generates annually in the greatest quantities. In multiple-tenant properties in which individual businesses do not manage their own solid waste, the two (2) PRMs are determined on the basis of the property's combined waste stream. Each new business that begins operations after July 1, 2006, is required to establish a collection system within sixty- (60) days after receiving a City of Alexandria Business License. The responsible party is encouraged to recycle Supplemental Recyclable Materials (SRMs) to the best of their ability and is required to report the amount of SRMs recovered in their recycling data report. Notwithstanding the foregoing, businesses generating less than one (1) cubic yard of recyclable materials per week (i.e., 4, 60-lbs bags) may comply with the terms of this article by depositing recyclable materials at City drop-off centers.

(d) The responsible party for each federal, state or local government agency must establish a collection system to separate the two (2) PRMs that are generated in the greatest quantities. Each agency that has a new office or facility that begins operations after July 1, 2006, is required to establish a collection system within sixty- (60) days after receiving a City of Alexandria Business License, or from the effective date of the lease agreement. The responsible party is encouraged to recycle SRMs to the best of their ability and is required to report the amount recovered in their recycling data report.

Sec. 5-1-94 Notification Requirements

(a) Haulers permitted to operate in the City of Alexandria will be responsible for notifying their customers that recycling is mandatory for all businesses and multiple-family dwellings. As part of any service agreements or contracts, haulers will be responsible for providing customers with the appropriate containers, signage, and collection services to adequately address their recycling needs, relative to industry safety and technical standards.

(b) The responsible party of any property management company or homeowners association, business, federal, state, or local government agency, or multiple-family dwelling shall notify, in writing, its tenants, employees and/or clients, as applicable, that recycling participation is mandatory. Written notification (i.e., letter, newsletter, email notice, etc.) shall be provided within fifteen (15) days to all new tenants and employees and no less frequently than bi-annually thereafter to all existing tenants and employees. The written notification shall set forth the requirements of this article and include at a minimum:

1. Source separation of recyclable materials from the waste stream is mandatory for all tenants and employees;
2. What materials will be recycled;
3. How the recyclables are to be prepared;
4. Any set-out requirements;
5. Location of the recycling containers;
6. Prohibitions against contamination of source separated recyclable material;
7. The collection schedule for recyclable material

8. Name and telephone number of a representative of the business or multiple-family dwelling whom the tenant or employee should contact with any questions.

(c) The responsible party shall include the City's Commercial Recycling Specialist or such other City representative(s) as may be designated by the City on their notification distribution list.

(d) The responsible party of any property management company or homeowners association, business, federal, state, or local government agency, or multiple-family dwelling shall ensure that all recycling signs and instructions are displayed prominently in public areas and directional signs are used to direct tenants to the recycling collection area.

Sec. 5-1-95 Reporting requirements

(a) The responsible parties for a single-family dwelling property management company or homeowners association, business, federal, state or local government agency or multiple-family dwelling are required to submit an implementation plan to the Department of Transportation & Environmental Services by January 1, 2007 and every second year following. Notification for submissions of these forms will be sent by the Department of Transportation & Environmental Services to each multiple-family dwelling and business address by November 1, prior to each year reports are due.

(b) The responsible party for each new property management company or homeowners association or multiple-family dwelling that is occupied after July 1, 2006 is required to submit this plan within sixty- (60) days from the date of first occupancy by a tenant. The responsible party and business owner, if different, of each new business that begins operations after July 1, 2006, are required to submit this plan within sixty- (60) days after receipt of a City of Alexandria Business License. The implementation plan must be approved by the Director of the Department of Transportation & Environmental Services or his designee to comply with the terms of this article.

(c) Implementation plans may be rejected if 2 PRMs have not been selected, or if one or both of the PRMs selected are not generated in larger quantities than other recyclable materials. Plans may also be rejected if the responsible party does not provide the following information: contact name, phone number, email address, mailing address, square footage of property, number of employees, name of solid waste and/or recycling services providers, number of containers, number of compactors, frequency of collection, and other relevant information requested. If an implementation plan is rejected by the Department of Transportation & Environmental Services, the submitting responsible party has thirty- (30) days from notification of the rejection to submit a revised plan for approval.

(d) The responsible party for each property management company or homeowners association, federal, state or local government agency, multiple-family dwelling and the

responsible party and business owner, if different, of each property are required to submit a recycling data report to the Department of Transportation & Environmental Services by March 15, 2007 and every second year following for recycling activities during the proceeding one-year period. Notification for submission of these forms will be sent by the Department of Transportation & Environmental Services to each multiple-family dwelling and business address by January 31, 2007.

(e) All permitted haulers in the City of Alexandria are required to submit an annual hauler recycling data report to the Department of Transportation & Environmental Services i) documenting the tonnage and types of materials collected from all single-family property management companies or homeowners associations, federal, state or local government agencies, businesses, and multiple-family dwellings; and ii) itemizing all solid waste and recycling containers of a volume greater than 3 cubic yards, including, but not limited to, dumpsters, roll-offs or other containers, owned by the hauler and deployed with the City of Alexandria. This report must be submitted by March 15, 2007 and each year following for recycling activities during the preceding calendar year. Notification for submission of this report will be sent by the Department of Transportation & Environmental Services by March 15, 2007 and each year following. All haulers are required to provide a list of its City of Alexandria customers with this report.

Sec. 5-1-96 Adaptations for materials

(a) Limited adaptations, as set forth below, may be approved by the Director of Department of Transportation & Environmental Services or his designee. Applications for adaptation from the requirements shall be submitted to the Department of Transportation & Environmental Services on City forms. An adaptation may be allowed where compliance with the ordinance would result in unnecessary hardship to the applicant and the need for adaptation would not be shared generally by other applicants, provided such an adaptation is not contrary to the intended spirit and purpose of this article and would result in substantial justice being done. All adaptations are to be construed as temporary, for a period not to exceed one (1) year, and shall be considered withdrawn on the first to occur of (a) a change in the condition(s) which prompted the adaptation, or (b) the expiration of the time period granted in the adaptation. Should an adaptation be withdrawn because the time period has expired, and applicant may apply for renewal of the adaptation. Application forms will be available online at: www.alexandriava.gov. Applications are evaluated against the following criteria:

1. Incompatibility of compliance with the requirements of this article and compliance with other City of Alexandria ordinances or other laws;
2. Unavailability of collectors or acceptors (defined as licensed haulers of recyclable materials or intermediate or final processors of recyclable materials) for one (1) or more of the required recyclable materials.
3. Unavailability of on-site space for the preparation and temporary storage of one (1) or more of the required recyclable materials;

4. Extreme disparity between the applicant's cost of recycling one (1) or more of the required recyclable material(s); or
5. Negligible generation rates of one (1) or more of the required recyclable materials.

The Director of the Department of Transportation & Environmental Services or his designee will consider these criteria in evaluating the application and will consider the compliance rate, implementation plans, and recycling programs of similar businesses in the City of Alexandria. The Director of Department of Transportation & Environmental Services or his designee will prepare a report on the applicant's property.

(b) After reviewing the information described above, the Director of the Department of Transportation & Environmental Services or his designee will take one (1) of the following actions:

1. Grant an adaptation that requires the applicant to recycle alternative materials identified by the Department of Transportation & Environmental Services;
2. Grant an adaptation that reduces the number of types of materials required to be recycled; or
3. Deny the request for adaptation.

Sec. 5-1-97 Penalties

(a) The failure by a hauler to timely notify its customers pursuant to Sec. 5-1-94(a) or submit conforming recycling data reports pursuant to Sec. 5-1-95(e) shall be a class three civil violation¹, as set forth in Sec. 1-1-11(b)(3) herein for every month the reports are not properly submitted. Any hauler who is assessed with a total of three separate civil violations pursuant to this section may be subject to revocation of its City of Alexandria hauler's permit. Enforcement for recycling data reports will begin February 1, 2007.

(b) The failure by a responsible party for each single-family dwelling property management company or homeowners association, business, or multiple-family dwelling that generates *more than ten tons* of solid waste to timely provide notification or submit conforming implementation plans and data reports pursuant to Sections 5-1-94 and -95 shall be a class three civil violation, as set forth in Sec. 1-1-11(b)(3) herein for every month the reports are not properly submitted. The failure by a responsible party for each single-family dwelling property management company or homeowners association, business, or multiple-family dwelling that generates *less than ten tons* of solid waste to timely provide notification or submit conforming implementation plans and data

¹ For a class three civil violation, the penalty for each individual violation shall be \$500 for the first violation, \$1,000 for the second violation of the same regulation or requirement arising from the same set of operative facts, and \$1,500 for each additional violation of the same regulation or requirement arising from the same set of operative facts

reports pursuant to Sections 5-1-94 and -95 shall be a class five² civil violation, as set forth in Sec. 1-1-11(b)(5) herein for every month the reports are not properly submitted. The failure to comply with the notification and reporting requirements set forth in Sections 5-1-94 and -95 by an entity for *which no data on the amount of solid waste generated is available* shall be a class four³ civil violation as set forth in Sec. 1-1-11(b)(4) herein. Enforcement of implementation plan submission requirements will begin February 1, 2007.

(c) The City's Department of Transportation & Environmental Services shall have responsibility for responding to complaints, assessing compliance, levying penalties, violations and fines and otherwise enforcing the terms and provisions of this Article. All fines assessed pursuant to this Article shall be will be levied as a civil penalty, enforceable through the City Treasurer's office.

Sec. 5-1-98 Right to appeal notices, fines and denials of requests for adaptation

Upon service of a notice of violation, fine or denial of a request for an adaptation as provided herein, the responsible party or business owner shall have the right to appeal such notice, fine or denial and shall be granted a hearing before the Director of Department of Transportation & Environmental Services or his designee, provided that a written appeal and request for hearing is received by the Director of Department of Transportation & Environmental Services within five (5) working days after service of the notice. Upon receipt of such an appeal or request, the director of Department of Transportation & Environmental Services or his designee shall advise the appellant of the time and place of the hearing, shall convene the hearing, shall consider the evidence, and shall render a decision in writing and provide a copy to the appellant within fifteen (15) business days following the hearing. The Director of Transportation & Environmental Services shall ensure that the person hearing any appeal hereunder did not have any direct involvement in the notice, fine or denial from which the appeal is taken.

Sec. 5-1-99 Adequate space

(a) All new and significantly remodeled occupied structures shall provide for the collection and storage of refuse. All new and significantly remodeled occupied structures over 2,000 square feet shall provide adequate space for the collection and storage of recyclable materials. For the

² For a class five civil violation , the penalty for each individual violation shall be \$25 for the first violation, \$50 for the second violation of the same regulation or requirement arising from the same set of operative facts, and \$100 for each additional violation of the same regulation or requirement arising from the same set of operative facts

³ For a class four civil violation , the penalty for each individual violation shall be \$100 for the first violation, \$250 for the second violation of the same regulation or requirement arising from the same set of operative facts, and \$500 for each additional violation of the same regulation or requirement arising from the same set of operative facts

purposes of this section “significantly remodeled” shall mean structures where fifty percent or more of the exterior of the structure is reconstructed, remodeled or modified (excluding painting or changing exterior cladding materials).

(b) The following buildings shall be exempt from Sec. 5-1-99(a) above:

- (1) Single-family dwellings; and
- (2) Multiple-family dwellings where there are no central or communal refuse/recycling collection or storage facilities, and where refuse and recyclable materials are stored and collected on an individual unit basis.

(c) The amount of space provided shall be adequate for the collection and storage of the amount of recyclable materials generated by the building, and shall be designed to accommodate containers consistent with current methods of local collection, and shall accommodate for example containers for the collection of mixed paper, commingled containers, or other recyclables.

(d) Storage and collection containers shall be clearly labeled or identified to indicate the type of materials accepted. Recyclable materials storage areas shall be located adjacent to refuse collection and storage areas in order to provide convenient recyclable materials storage areas.

Section 2. That this ordinance shall become effective July 1, 2006.

WILLIAM D. EUILLE
Mayor

Final Passage: February 25, 2006